

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 24, 2015

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Gary F. Snellings, Chairman, at 3:01 p.m., on Tuesday, February 24, 2015, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Gary F. Snellings, Chairman; Laura A. Sellers, Vice Chairman; Meg Bohmke; Jack R. Cavalier; Paul V. Milde, III; and Robert “Bob” Thomas, Jr. Mr. Cord A. Sterling was delayed due to traffic, arriving at 4:06 p.m.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and other interested parties.

Presentations by the Public No members of the public desired to speak.

Presentations by Members of the Board Board members spoke on the topics as identified:

Ms. Bohmke – Attended transportation meeting regarding Ferry Farm Road, 28 citizens attended, left-turn lane into Ferry Farm plantation was not funded; Public Safety Committee update included approval of Option 1 for the SAFER Grant (with sidebar conversations regarding Option 2).

Mr. Cavalier – Met with Mr. Curry Roberts (FRA President); met with contract buyers for Aquia Towne Center and Property Owners Association representatives at Aquia Harbour and Aquia Harbour Rescue Squad (Station 9).

Mr. Milde – Attending presentation of national award for Aquia Landing; will bring award to Board’s March 3, 2015 meeting.

Ms. Sellers – Attended CPMT; GWRC (high speed internet connection); meeting with Autumn Ridge HOA meeting on Wednesday, 2/25/15, 7:00 p.m.

Mr. Snellings – Monday, 3/2/15, Landfill fees going into effect; see County’s Treasurer to pay \$75.00 for a pass or \$30.00 for a coupon book.

Mr. Sterling – No report, absent due to traffic.

Mr. Thomas – Finance, Audit and Budget Committee update included Mr. Curry Roberts (FRA President) using outcome-based metrics to present realistic portrayal of retail and businesses in the region; credit assessment regarding upcoming Bond purchase; Senate and House passed 2-year budget, final vote taken on 2/26/15; included 1.5% raise for teachers and support staff; \$30M in aid to local governments taken off the table; \$193M into VRS, resulting in an approximate \$600,000 cost savings.

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Romanello introduced Mr. Chris Rapp, Public Works Director, and Deputy County Attorney, Mr. Keith Dayton. Mr. Rapp gave an update on transportation projects in the County. Mr. Dayton gave an update on Parks projects.

Mr. Romanello noted that Item 25 was added to the agenda - Fire and Rescue; Ratify a Winter Weather Declaration of Emergency; and Terminate the Winter Weather Declaration of Emergency.

Additions/Deletions to the Regular Agenda Mr. Cavalier motioned, seconded by Ms. Sellers, to add to the agenda, Item 25. County Administration; Ratify a Winter Weather Declaration of Emergency; and Terminate the Winter Weather Declaration of Emergency.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Thomas
Nay: (0)
Absent: (1) Sterling

Legislative; Consent Agenda Mr. Milde motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 4 through 16.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Thomas
Nay: (0)
Absent: (1) Sterling

Item 4. Legislative; Approve Minutes of the February 3, 2015 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R15-63 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 3, 2015 THROUGH FEBRUARY 16, 2015

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015 that the above-mentioned EL be and hereby is approved.

Item 6. Utilities; Authorize the County Administrator to Advertise a Public Hearing to Consider Condemnation and Exercise Quick-Take Powers to Acquire Permanent Utility and Construction Easements on a Portion of Property Owned by Celebrate Virginia Corporate Campus, LLC, TMP 44W-90, in Connection with the Sanford Drive to Olde Forge Drive Water Line Improvement Project

Resolution R15-58 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PERMANENT UTILITY EASEMENT ON A PORTION OF A PROPERTY OWNED BY CELEBRATE VIRGINIA CORPORATE CAMPUS, LLC, TAX MAP PARCEL 44-90 IN CONNECTION WITH THE SANFORD DRIVE TO OLDE FORGE DRIVE WATER LINE IMPROVEMENT PROJECT, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the 2006 Water and Sewer Master plan recommends construction of a new water line from the Lake Mooney Water Treatment Facility to the 342 Water Pressure Zone, adjacent to Olde Forge Drive in the Hartwood Election District; and

WHEREAS, the County is in the process of acquiring the necessary easements for the construction of the Sanford Drive to Olde Forge Drive Water Line Improvement Project (the Project); and

WHEREAS, Tax Map Parcel 44-90 consists of approximately 41.85 acres of land (the Property) owned by Celebrate Virginia Corporate Campus, LLC, (the Property Owner); and

WHEREAS, the Board must acquire permanent utility easements to construct the Project; and

WHEREAS, the design for the Project requires 0.74-acre of permanent utility easement on the Property; and

WHEREAS, the fair market value for the easement areas on the Property, together with damages, if any, to the remainder of the property is Twenty-five Thousand Eight Hundred Dollars (\$25,800), based upon the 2013 tax assessed value and the County is offering the same for the acquisition of the easement; and

WHEREAS, the Board, through the County staff, made bona fide but ineffectual efforts to purchase the easement on the Property, by offering said determined value on behalf of the County to the Property Owners; and

WHEREAS, the Property Owner consents to the acquisition of the easement; and

WHEREAS, the Property is in arrears on its County property taxes and may be subject to sale; and

WHEREAS, the trustees of the lending institutions have not responded to requests to sign the Deed of Easement; and

WHEREAS, the terms of purchase cannot be agreed upon, and County staff was unsuccessful in acquiring a final settlement, but will continue to work with the Property Owners in attempt to acquire the easements; and

WHEREAS, the Board desires to consider the condemnation and use of its quick take powers to acquire 0.74-acre of permanent utility easement on the Property; and

WHEREAS, the Board desires to receive the public testimony, if any, at a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it be and hereby does authorize the County Administrator to advertise a public hearing to be scheduled pursuant to Virginia Code §§ 15.2-1903(B) and 15. 2-1905(C), to consider the necessity for condemnation and exercise of the County's quick-take powers, to immediately acquire 0.74-acre of permanent utility easement on Tax Map Parcel 44-90, for the Sanford Drive to Olde Forge Drive Water Line Improvement Project.

Item 7. Utilities; Refer Multi-Family Availability Fees to the Utilities Commission

Resolution R15-62 reads as follows:

A RESOLUTION TO REFER MULTI-FAMILY WATER AND SEWER AVAILABILITY FEES TO THE UTILITIES COMMISSION

WHEREAS, water and sewer availability fees are one-time payments made when new connections are made to the County's utilities system, and are intended to recover the cost of projects required for expansion, compliance with new regulations, or the implementation of new technology; and

WHEREAS, the development community shared its concerns regarding the equity of the current multi-family availability fees; and

WHEREAS, the County currently charges the same availability rates for multi-family units and single-family units; and

WHEREAS, the County investigated multi-family usage rates in comparison to single-family residences, and found a decreased usage by multi-family units; and

WHEREAS, a survey was conducted of neighboring localities and it was found that Stafford County is the only locality that charges the same fee for single-family and multi-family units; and

WHEREAS, the Board desires to have the Utilities Commission review the water and sewer availability fees related to multi-family units;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the Utilities Commission be and it hereby is requested to review the water and sewer availability fees for multi-family dwelling units, hold a public hearing, and report its recommendations to the Board.

Item 8. Planning and Zoning; Authorize a Waiver Request from the Family Subdivision Time Requirement

Resolution R15-45 reads as follows:

A RESOLUTION WAIVING THE FAMILY SUBDIVISION TIME-LIMIT RESTRICTION FOR STAFFORD HEIGHTS, SEC. 3, TAX MAP PARCELS 30C-3-44A, 30C-3-44B, AND 30C-3-44C, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the family subdivision plat known as Lot 44, Sec. 3, Stafford Heights, was recorded among the Stafford County land records on January 10, 2008, as Plat Map 080000007, in the Aquia Election District; and

WHEREAS, Stafford County Code Sec. 22-5(a)(1) requires Ms. Lockwood, owner and applicant, to transfer the lots to members of her immediate family before the lots can be transferred to nonfamily members; and

WHEREAS, Ms. Lockwood did not fulfill the requirements of County Code Sec. 22-5(a)(1), by transferring the lots to family members in 2008; and

WHEREAS, if Ms. Lockwood had transferred the lots to her immediate family members in 2008, as intended, they would now be able to transfer the lots to nonmembers of the family; and

WHEREAS, due to the declining health of Ms. Lockwood, to help alleviate the financial hardship of providing long-term care, she and her family submitted an application requesting a waiver of the five-year time-limit to be able to sell the lots after being transferred to her family members; and

WHEREAS, County Code Sec. 22-5(a)(14) allows the Board to reduce the five-year restriction to alleviate extraordinary hardship; and

WHEREAS, the Board finds that the waiver to reduce the five-year time limit on non-family property transfer for Assessor's Parcel 30C-3-44A, 30C-3-44B, and 30C-3-44C would be appropriate to alleviate extraordinary hardship;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the request to waive Stafford County Code Sec. 22-5(a)(14), the five-year time limit on non-family transfers for Assessor's Parcels 30C-3-44A, 30C-3-44B, and 30C-3-44C, within the family subdivision, Stafford Heights, Section 3, be and it hereby is approved; and

BE IT FURTHER RESOLVED that this waiver applies only to the transfer of property from immediate members of Ms. Lockwood's family to non-members of the family.

Item 9. Planning and Zoning; Refer Farmers Markets to the Planning Commission

Resolution R15-34 reads as follows:

A RESOLUTION REFERRING AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS;" AND SEC. 28-39 "SPECIAL REGULATIONS" TO THE PLANNING COMMISSION

WHEREAS, County Code Sec. 28-35, Table 3.1, allows farmers markets as a by-right use in various agricultural, residential, commercial, and mixed use zoning districts; and

WHEREAS, a farmers market is not a use currently permitted in the R-2, Urban Residential Medium Density Zoning District; and

WHEREAS, the Woodstream Homeowners Association requested establishment of farmers market as a by-right use in the R-2, Zoning District; and

WHEREAS, the Board desires to consider permitting farmers markets in the R-2 Zoning District and additional residential zoning districts, where appropriate; and

WHEREAS, the Board desires to refer the proposed amendments to the Planning Commission for its consideration and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that proposed amendments to Stafford County Code Sec. 28-35, Table 3.1, “District uses and standards;” and Sec. 28-39, “Special regulations;” pursuant to proposed Ordinance O15-10, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications as it deems appropriate to proposed Ordinance O15-10.

Item 10. County Administration; Authorize the County Administrator to Execute a Contract for Construction of Woodstream Trail

Resolution R15-66 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SOUTHWOOD BUILDING SYSTEMS, INC. FOR THE CONSTRUCTION OF WOODSTREAM TRAIL, AND TO BUDGET AND APPROPRIATE FUNDS FOR THE CONSTRUCTION, SPECIAL INSPECTIONS, AND ENGINEERING SUPPORT

WHEREAS, the Board directed staff to find an appropriate route for a trail between the Woodstream neighborhood and Smith Lake Park (Woodstream Trail); and

WHEREAS, a consulting engineer determined a suitable route and design of Woodstream Trail; and

WHEREAS, the plans were offered for public bid and six bids were received; and

WHEREAS, staff determined that the bid in the amount of Five Hundred Forty-Eight Thousand Seven Hundred Dollars (\$548,700), received from Southwood Building Systems, Inc. was the lowest responsive and responsible bid, and is reasonable for the proposed scope of work; and

WHEREAS, due to steep slopes and stream crossings, special inspections and engineering support are necessary for the completion of Woodstream Trail; and

WHEREAS, funds are available from the Capital Projects Reserve for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it hereby authorizes the County Administrator to execute a contract with Southwood Building Systems, Inc. for the construction of Woodstream Trail in an amount not to exceed Five Hundred Forty-eight Thousand Seven Hundred Dollars (\$548,700), unless authorized by a duly-executed change order; and

BE IT FURTHER RESOLVED that funds in the amount of Six Hundred Thousand Dollars (\$600,000) in total be budgeted and appropriated for the contract with Southwood Building Systems, Inc., and the approximate cost of special inspections and engineering support for Woodstream Trail.

Item 11. Public Works; Authorize the County Administrator to Advertise a Public Hearing for Condemnation and Quick-Take Powers to Acquire Right-of-Way Easements; Drainage and Utilities Easements; and Temporary Construction and Entrance Easements in Connection with the Truslow Road Improvements Project

Resolution R15-67 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS IN CONNECTION WITH THE TRUSLOW ROAD RECONSTRUCTION PROJECT, FOR RIGHT-OF-WAY ACQUISITIONS AND/OR TEMPORARY AND PERMANENT EASEMENTS ON TAX MAP PARCEL NUMBERS 45-119G, 44-115, 45-1, 45-11A, 45-12, AND 45-12B

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652) between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (the “Project”), as a critical part of the County’s road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent; and

WHEREAS, the Board determined that there are currently six parcels containing land and easements that staff is unable to obtain through negotiations between the Parcels’ owners and the County’s consultant; and

WHEREAS, Tax Map Parcel 45-119G consists of approximately 16.04 acres of land owned by the Centrum-Stafford Limited Partnership; and

WHEREAS, due to the design of the Project, the Board must acquire 1,949 square feet of fee simple right-of-way, 666 square feet of temporary construction easement, 221 square feet of permanent drainage easement, and 2,166 square feet of permanent utility easement to be conveyed to the Virginia Department of Transportation (VDOT) on Tax Map Parcel 45-119G; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-119G, together with damages, if any, to the remainder of the Parcel is Eleven Thousand Fifty Dollars (\$11,050), based upon 2014 assessed values; and

WHEREAS, Tax Map Parcel 44-115 consists of approximately 3.70 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne; and

WHEREAS, due to the design of the Project, the Board must acquire 6,191 square feet of fee simple right-of-way, 5,166 square feet of prescriptive right-of-way, 3,275 square feet of temporary construction easement, and 1,660 square feet of permanent drainage easement, and 155 square feet of permanent utility easement to be conveyed to VDOT on Tax Map Parcel No. 44-115; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 44-115, together with damages, if any, to the remainder of the Parcel is Four Thousand Eight Hundred Dollars (\$4,800), based upon 2014 assessed values; and

WHEREAS, Tax Map Parcel 45-1 consists of approximately 2.00 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne; and

WHEREAS, due to the design of the Project, the Board must acquire 4,002 square feet of fee simple right-of-way, 3,508 square feet of prescriptive right-of-way, 2,082 square feet of temporary construction easement, 1,211 square feet of temporary entrance easement, and 2,343 square feet of permanent sight distance easement, on Tax Map Parcel 45-1; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-1, together with damages, if any, to the remainder of the Parcel is Seven Thousand Seven Hundred Dollars (\$7,700), based upon 2014 assessed values; and

WHEREAS, Tax Map Parcel 45-11A consists of approximately 0.92 acres of land owned by Melissa M. Wine and Kenneth R. Wine, Jr.; and

WHEREAS, due to the design of the Project, the Board must acquire 169 square feet of temporary construction easement and 959 square feet of permanent drainage easement on Tax Map Parcel 45-11A; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-11A, together with damages, if any, to the remainder of the property is One Thousand One Hundred Dollars (\$1,100), based upon 2014 assessed values; and

WHEREAS, Tax Map Parcel 45-12 consists of approximately 0.82 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne; and

WHEREAS, due to the design of the Project, the Board must acquire 1,157 square feet of prescriptive right-of-way, 1,370 square feet of temporary construction easement, 632 square feet of temporary entrance easement, and 405 square feet of permanent sight distance easement, on Tax Map Parcel 45-12; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-12, together with damages, if any, to the remainder of the Parcel is One Thousand Four Hundred Ten Dollars (\$1,410), based upon 2014 assessed values; and

WHEREAS, Tax Map Parcel 45-12B consists of approximately 18.00 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne; and

WHEREAS, due to the design of the Project, the Board must acquire 120,638 square feet of fee simple right-of-way, 2,984 square feet of prescriptive right-of-way, 11,691 square feet of temporary construction easement, 2,683 square feet of permanent sight distance easement, 5,452 square feet of permanent drainage easement, 15 square feet of permanent sign easement, and 5,649 square feet of permanent utility easement to be dedicated to VDOT on Tax Map Parcel 45-12B; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-12B, together with damages, if any, to the remainder of the Parcel is Sixty-four Thousand Nine Hundred Twenty-five Dollars (\$64,925), based upon the 2014 appraisal conducted by the County's consultant; and

WHEREAS, the Board, through its consulting negotiator, made bona fide, but ineffectual efforts to purchase the above-referenced affected areas of the listed Parcels by offering said fair market value on behalf of the County to the respective property owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the respective Parcel owners, but will continue to work with the Parcel owners to attempt to reach an acceptable settlement; and

WHEREAS, to acquire the land and easements for the construction of the Truslow Road Reconstruction Project by condemnation and exercise of its quick-take powers, the Board desires and is required to hold a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the Board be and it hereby does authorize the County Administrator to advertise public hearings to consider the condemnation and use of its quick-take powers to acquire fee simple right-of-way, prescriptive right-of-way, temporary construction and entrance easements, permanent sight distance easements, permanent drainage easements, permanent sign easements, and permanent utility easements to be conveyed to VDOT on the properties of Kenneth R. Wine, Jr. and Bonnie J. Lansdowne, Tax Map Parcels 44-115, 45-1, 45-12 and 45-12B; Melissa M. Wine and Kenneth R. Wine, Jr., Tax Map Parcel 45-11A; and the Centrum-Stafford Limited Partnership, Tax Map Parcel 45-119G; all in connection with the Truslow Road Reconstruction Project, under Virginia Code §§ 15.2-1903(B) and 15.2-1905(C).

Item 12. Public Works; Authorize the County Administrator to Approve an Amendment to the PPTA Comprehensive Agreement for Construction of the Truslow Road Reconstruction and Garrisonville Road Widening Projects

Resolution R15-68 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA) COMPREHENSIVE AGREEMENT FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT AND THE GARRISONVILLE ROAD WIDENING PROJECT

WHEREAS, the Board approved Resolution R13-176 authorizing the County Administrator to execute a Public-Private Transportation Act (PPTA) Agreement (Agreement) with Branch Highways, Inc., (BHI) to design and construct improvements on Truslow Road (SR-652) from Berea Church Road (SR-654) to Plantation Drive (SR-1706), and on Garrisonville Road (SR-610) from Onville Road (SR-641) to Eustace Road (SR-751); and

WHEREAS, on June 12, 2013, staff held a public information meeting on the Truslow Road Reconstruction project where citizens in attendance expressed their desire to have the proposed sidewalk along the northern side of Truslow Road removed from the project; and

WHEREAS, BHI agreed to credit the County in the amount of \$138,858 for the construction and right-of-way costs associated with removal of the proposed sidewalk from the Truslow Road reconstruction project; and

WHEREAS, after the execution of the Agreement, the Virginia Department of Transportation (VDOT) required a Quality Assurance and Quality Control Plan (QA/QC Plan) from BHI prior to continuing plan development for the Truslow Road reconstruction and Garrisonville Road widening projects; and

WHEREAS, to satisfy VDOT's requirements for the QA/QC Plan, BHI needed to conduct additional QA/QC testing to be in accordance with VDOT's 2012 Manual on Minimum Requirements for Quality Assurance and Quality Control on Design Build and Public-Private Transportation Act Projects (Manual); and

WHEREAS, the additional QA/QC testing to satisfy VDOT requirements pursuant to the Manual were not included in BHI's original scope of work, nor in the Agreement; and

WHEREAS, BHI solicited proposals from five engineering firms to provide the additional QA/QC testing; and

WHEREAS, staff reviewed the cost proposals and determined that Engineering & Materials Testing, Inc. (EM Tech), was best qualified and most cost effective firm to provide these services; and

WHEREAS, the additional cost for EM Tech to provide QA/QC services for both the Truslow Road and Garrisonville Road projects is \$559,857; and

WHEREAS, the cost for the additional QA/QC testing costs, offset by the Truslow Road sidewalk removal credit, equals \$420,999; and

WHEREAS, the Agreement with BHI must be amended to include these additional services; and

WHEREAS, sufficient funds for these additional expenditures to the Truslow Road reconstruction project have been budgeted and appropriated in the County's FY2016 Transportation Fund; and

WHEREAS, sufficient funds for these additional expenditures to the Garrisonville Road widening project are available in the Garrisonville Road Service District Fund, and have been budgeted and appropriated;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the County Administrator be and he hereby is authorized to execute an amendment to the Comprehensive Agreement with BHI for the design and construction of the Truslow Road reconstruction project, and the Garrisonville Road widening project, in an amount not to exceed Four Hundred Twenty Thousand Nine Hundred Ninety-nine Dollars (\$420,999).

Item 13. Public Works; Approve the Appointment of Ms. Linda Phillips ad Mr. Randy Helwig to the Hidden Lake Service District Advisory Board

Item 14. County Administration; Approve the Appointment of Mrs. Linda Musselman to the Rappahannock Area Agency on Aging Board of Directors

Item 15. Parks, Recreation and Community Facilities; Authorize the County Administrator to Advertise a Public Hearing Regarding a Land Lease with the Patawomeck Indians

Resolution R15-60 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER A LEASE WITH THE PATAWOMECK INDIAN TRIBE OF VIRGINIA FOR 6.5 ACRES OF COUNTY-OWNED PROPERTY NEAR AQUIA LANDING PARK, ON TAX MAP PARCEL 41-6, IN THE AQUIA ELECTION DISTRICT

WHEREAS, on May 29, 1996, the Board entered into a lease agreement with the American Indian Society of Washington, D.C. on behalf of the Patawomeck Indian Tribe of Virginia (the Tribe) for 6.5 acres of land near Aquia Landing Park, as a monument and memorial to the first inhabitants; and

WHEREAS, the lease expired on June 30, 2000; and

WHEREAS, the Tribe desires to enter into a new lease agreement with the County; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), a public hearing is required prior to the leasing of any County-owned real property; and

WHEREAS, the Board desires to receive public testimony, at a public hearing concerning the proposed lease of the land to the Tribe;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider a lease with the Patowomeck Indian Tribe of Virginia for 6.5 acres of land near Aquia Landing Park (Tax Map Parcel 41-6), in the Aquia Election District.

Item 16. Public Information; Recognize Mrs. Betty Schwartz for Service on the Rappahannock Area Agency on Aging Board of Directors

Proclamation P15-03 reads as follows:

A PROCLAMATION TO RECOGNIZE MRS. BETTY SCHWARTZ FOR
HER SERVICE ON THE RAPPAHANNOCK AREA AGENCY ON
AGING'S BOARD OF DIRECTORS

WHEREAS, Betty Schwartz is known for her humble spirit and abundant compassion for helping people in the community, specifically the elderly; and

WHEREAS, Betty Schwartz used her energy and talents to serve on the Rappahannock Area Agency on Aging's (RAAA) Board of Directors for four years, most recently serving as Vice Chairman; and

WHEREAS, during Mrs. Schwartz's time on the Board, more than 12,000 people in Planning District 16 were served each year by the RAAA, with the goal of helping the elderly with every day activities, and to help them stay at home and out of nursing homes; and

WHEREAS, Mrs. Schwartz was part of the RAAA Board of Directors that approved and facilitated the Agency's new building, and Mrs. Schwartz spearheaded sprucing up the facility and revitalizing the landscaping; and

WHEREAS, Mrs. Schwartz was instrumental in bringing the Agency's new director, Ms. Leigh Wade, on board in 2013, and mentored her in helping to start a coaching program designed to transition patients from the hospital to home and aiding in preventing re-admission to the hospital; and

WHEREAS, during Mrs. Schwartz’s time on the Board, RAAA implemented the “Live Well Virginians” program, which helps individuals with chronic illness to manage their disease;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it be and he hereby does recognize Mrs. Betty Schwartz for her service on the Rappahannock Area Agency on Aging’s Board of Directors, and for her support and compassion for the elderly in both Stafford County and Planning District 16.

Human Resources; Consider the Revised County Sick Leave Policy Mr. Romanello said that proposed Resolution R15-65 included a ‘grandfather clause’ for all employees hired on or before February 24, 2015. Mr. Milde asked about the cost of adopting the proposed grandfather clause resolution. Mr. Romanello said that the cost would only be an assumption based on future salary increases, and the amount of sick leave used (or accrued). The liability would be carried until all current employees retired or were no longer employed by the County. Ms. Bohmke talked about the 15-year horizon and the long-term liability. Mr. Cavalier said that he believed that the County should honor the commitment made to its employees at the time they were hired. Mr. Snellings said that he agreed with Mr. Cavalier; that what was promised when an employee was hired should be the understanding so long as employees worked for the County.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt Resolution R15-65.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Thomas
 Nay: (0)
 Absent: (1) Sterling

Resolution R15-65 reads as follows:

A RESOLUTION TO AMEND THE PERSONNEL RULES AND ADOPT THE REVISED SICK LEAVE BENEFITS POLICY FOR COUNTY EMPLOYEES AND HOLIDAY LEAVE PROVISIONS FOR PART-TIME EMPLOYEES WHILE GRANDFATHERING THE SICK LEAVE PAYOUT PROVISIONS FOR CURRENT EMPLOYEES

WHEREAS, the Virginia Retirement System’s (VRS) addition of the Hybrid Plan in 2014, which provides a short-term and long-term disability policy at no cost to the VRS Hybrid member, adds another category of benefits for employees that is different than the County’s traditional benefits; and

WHEREAS, this benefit for Hybrid members, in addition to the current sick leave benefits for employees, presents a significant cost/liability for the County; and

WHEREAS, the current value for all accrued sick leave hours is approximately \$12.3 million and the current liability, as it relates to sick leave payouts, is \$3.0 million; and

WHEREAS, the estimated cost for the Hybrid plan disability benefits in FY2016 is \$25,000 and in future years will grow proportionally to the number of Hybrid plan member enrollments and their respective salaries; and

WHEREAS, in an effort to reduce this liability and align leave benefits to be as equitable as possible, the County's Leadership Team and Employee Advisory Committee reviewed the County's current annual and sick leave benefits, creating a subcommittee that examined several leave scenarios; and

WHEREAS, the subcommittee proposed a change in the sick leave benefits for all employees, but with differentiating plans based on whether a member is a VRS Hybrid member or non-hybrid member; and

WHEREAS, sick leave payouts will remain unchanged for all current employees; and

WHEREAS, these recommendations differ from the County's sick leave benefits for regular part-time employees in that the eligibility for sick leave accruals begins at the date of hire; and

WHEREAS, these recommendations differ from the County's holiday leave benefits for regular part-time employees working on average 20 hours per week in that the eligibility for holiday pay begins at the date of hire; and

WHEREAS, if implemented, these recommendations would help to reduce the long-term liability of the VRS Hybrid Plan and the County's current sick leave benefits policy, while still providing a valuable benefit to all employees;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it be and hereby does amend the personnel rules and adopt the revised sick leave benefits policy for all employees and holiday leave provisions for part-time employees as stated herein except the policy for payment for sick leave for employees at separation shall remain unchanged for employees hired on or before February 24, 2015.

Planning and Zoning; Stafford Regional Airport Compatibility Land Use Plan Senior Planner, Mike Zuraf, addressed the Board saying that he would answer questions posed by the Board at its meeting on February 3, 2015, when the original report on the Compatibility Land use Plan was presented by Mr. Zuraf and Ms. Erica Ehly (Planner). Mr. Lindy Kirkland, with the Stafford Regional Airport Authority, also addressed the Board in response to technical questions regarding flight patterns, airport safety, etc. Mr.

Ed Wallis, Stafford Regional Airport Manager, also provided answers to Board member's questions.

Mr. Snellings inquired about the findings of the land use study in regards to locating subdivisions/housing within the "purple" outer ring on the map provided to the Board. Mr. Zuraf responded that many uses were still supported and considered compatible, but that there were some uses, including tall towers/smoke stacks, etc., that would require additional review due to height restrictions near, or under, the flight pattern. Mr. Snellings asked about much property (in acreage) was affected. Mr. Zuraf agreed to provide the acreage number to the Board. Mr. Snellings said that his concern was that property owners would be denied the ability to use their land, and without compensation.

Mr. Thomas said that single-family dwellings were not compromised in the AP1 and Transitional Zones. Mr. Milde said that being unable to build houses was not true. There was 14,424 units by-right; that the recommendation was for no up-zoning for higher density in those areas. Mr. Zuraf said that the Guide did not take away property rights. Ms. Bohmke said she read the report, and that while building within H1 and H2 zoned property was discouraged, it could be handled with additional staff review.

Ms. Sellers asked about the number of actual head-on, mid-air, plane crashes. Mr. Kirkland said there was a mid-air collision in Culpeper, VA, but that flight patterns were set-up to avoid mid-air collisions. He added it was all about risk management. Mr. Kirkland said the potential for bird-strike problems, due to the Airport's proximity to the Landfill, was greater than the risk of in-flight collisions. He said that the risk was there for thirteen years but when the Landfill cell closed, the bird-strike problem decreased. Mr. Snellings asked if the Airport had been unsafe for thirteen years. He said that he lived under the flight path and was very disturbed by the information.

Mr. Wallis said that 70% of the landing approaches were from the east (in the direction of King George County), and depending on wind direction, 30% came in from the west. The inner approach was mostly 4 to 6 seat planes and helicopters. Mr. Milde asked about the frequency of the use of the outer pattern. Mr. Wallis said that larger jets and turbo prop planes used the outer pattern; that approximately 30 out of every 100 planes fell into that category, also depending on prevailing winds at the time.

Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Resolution R15-75.

The Voting Board tally was:

Yea:	(6) Bohmke, Cavalier, Milde, Sellers, Snellings, Thomas
Nay:	(0)
Absent:	(1) Sterling

Resolution R15-75 reads as follows:

A RESOLUTION TO REFER AMENDMENTS TO CHAPTER 3, “THE LAND USE PLAN,” OF THE STAFFORD COUNTY COMPREHENSIVE PLAN TEXTUAL DOCUMENT ENTITLED “STAFFORD COUNTY VIRGINIA COMPREHENSIVE PLAN 2010-2030,” TO THE PLANNING COMMISSION FOR PUBLIC HEARING AND TO PROVIDE ITS RECOMMENDATION(S) TO THE BOARD WITHIN 60 DAYS OF ITS RECEIPT OF THIS RESOLUTION

WHEREAS, Policy 4.9.1 of the Stafford County Comprehensive Plan states that the County should develop land use compatibility standards for new development to conform to within the aircraft approach patterns of airports and landing strips; and

WHEREAS, land use compatibility guidelines have been developed through an ongoing effort between a subcommittee composed of members of the Planning Commission and the Stafford Regional Airport Authority; and

WHEREAS, Chapter 3, “The Land Use Plan,” of the Comprehensive Plan provides guidance for future growth and development in the County and should be amended to include the proposed airport land use compatibility guidelines; and

WHEREAS, under Virginia Code § 15.2-2229, the Board may amend the Comprehensive Plan; and

WHEREAS, under Virginia Code § 15.2-2229, the Board may direct the Planning Commission (Commission) to prepare amendments to the Comprehensive Plan; and

WHEREAS, the Planning Commission prepared and forwarded certain amendments to Chapter 3, “The Land Use Plan,” of the Comprehensive Plan as identified in Exhibit A, entitled “Comprehensive Plan Amendments – Airport Land Use Compatibility Plan,” dated December 18, 2014, to the Board; and

WHEREAS, the Board desires to send these amendments to the Planning Commission for a public hearing and its review and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it be and hereby does refer the Board’s Comprehensive Plan amendments entitled, “Comprehensive Plan Amendments – Airport Land Use Compatibility Plan,” dated December 18, 2014, to the Commission for a public hearing and requests that the Commission provide its recommendations to the Board within 60 days of the Commission’s receipt of a copy of this Resolution.

Fire and Rescue; Authorize the County Administrator to Apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant Mark Lockhart, Fire Chief, gave a presentation and answered Board members questions. Chief Lockhart noted that

an updated background report, with corrected financial information on three options, was included in the Board's Add-On folder.

Mr. Milde asked if, after the grant was submitted and if it were to be awarded, was the County responsible for picking up the cost of staffing, equipment, etc. Chief Lockhart said that the Grant specifications changed from the last time the County applied for a SAFER Grant, and that while FEMA preferred it, there was no obligation written into the Grant award that personnel must be kept on when the Grant period (2 years) expired. Mr. Milde said that it was only realistic to keep the Grant-hired staff, but asked what that would do to the Board's directive that taxes be kept flat since funding several new Fire and Rescue staff was an expensive proposition. Mr. Romanello said that if the Board chose Option 2, it would amount to approximately \$1.6M annually, which was two-thirds of the 2% growth projection. Mr. Milde asked if the Sheriff had plans to submit for a similar grant. Mr. Romanello said that he did not know of any plans that the Sheriff had to apply for a COPS grant but that he would verify that.

Ms. Bohmke asked about grant deadlines. Chief Lockhart said that the application period began on February 9, 2015 and ended on March 6, 2015. He added that his concern was that the Department of Homeland Security faced a furlough, as of Saturday, 2/28/15, and that if the Grant application was not submitted prior to the anticipated furlough, there could be a delay in processing the application. Chief Lockhart said that he could ask for an extension and, based on past experience, an extension would most likely be granted. However, with the impending furlough, there may not be staff in the Grants Office to consider the request.

Ms. Sellers said that following the Public Safety Committee's discussion, there was additional discussion about choosing Option 2, rather than Option 1 as was the preference expressed at the Committee's meeting earlier that day. She said that Option 2 would allow for an engine and week-day, daytime staffing at Station 10 (Potomac Hills), which may help mend fences with Quantico due to the number of times that Stafford had to utilize Base fire and rescue staff to combat fires in the County. She said that she would support Option 2.

Mr. Cavalier noted that there was very little coverage in the north end of the County, and Option 2 would give coverage to Potomac Hills and Widewater. He said that he, too, would support Option 2. Mr. Cavalier said that the difference was \$350,000 and that it met a definite need.

Mr. Thomas asked about the previous SAFER Grant application. Chief Lockhart said that the County asked for 14, but that the Board opted to bring on only 7 new staff. Mr. Thomas asked if that was a possibility with the current SAFER Grant application. Chief

Lockhart said that the County could ask FEMA to reconsider (or rescure) its application but that the original application should be as realistic as possible.

Mr. Thomas asked about the cost of equipment and if it was included in the Grant funds. Chief Lockhart said that it would be absorbed in the Department's current budget; that the cost was approximately \$14,500 (per recruit), including protective gear and everything needed for attending the Academy. Mr. Thomas asked why the cost was so low. Chief Lockhart said that some equipment was assigned to specific apparatus, not to the individual recruits.

Mr. Thomas spoke about debt service and fiscal responsibility in FY2018. Chief Financial Officer, Ms. Maria Perrotte said there would be a similar increase in FY2016 and FY2017, but that it would begin to taper off in FY2018 due to reduced borrowing. Mr. Thomas said that the County was looking at a \$1.5M "bogey" and that debt service could not be changed, and 30% of hopeful growth would already be spent on picking up where SAFER Grant funding left off. He added that once an engine was placed in service, it never went away. Mr. Milde pointed out that an engine went away from the Brooke station. He said that PRTC funds were shrinking and it was possible that transportation projects would have to be deferred to pay for the SAFER Grant impact on the budget.

Ms. Bohmke said that it was discussed in the Public Safety Committee meeting, and that Option 1 was agreed upon, followed by a side-bar discussion with fire and rescue staff regarding the Potomac Hills station. She said that she was originally in favor of Option 1, that \$2.2M was difficult to absorb. Ms. Bohmke noted that volunteer efforts are down Country-wide. She said that she needed to better understand any conflict with MCB Quantico. If deferred to March 3rd, there would be time for the Board to get answers to its questions; that there was huge difference in Option 1 and Option 2. Mr. Milde said that he was a member of the Quantico Regional Executive Steering Committee and there had been no discussion about any complaints from the Base.

Mr. Milde motioned, seconded by Ms. Bohmke, to defer a vote on proposed Resolution R15-37 (authorizing the County Administrator to submit an application for the SAFER Grant) to the Board's March 3, 2015 meeting.

The Voting Board tally was:

Yea:	(7) Bohmke, Cavalier, Milde Sellers, Snellings, Sterling, Thomas
Nay:	(0) Milde

Mr. Sterling joined the meeting prior to the SAFER Grant vote. The Chairman recessed the meeting for a ten minute break. The meeting reconvened at 4:16 p.m.

Item 25. County Administration; Ratify a Winter Weather Declaration of Emergency; and Terminate the Winter Weather Declaration of Emergency.

Mr. Sterling motioned, seconded by Mr. Cavalier, to adopt Resolution R15-80.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R15-80 reads as follows:

A RESOLUTION TO RATIFY THE DECLARATION OF LOCAL
EMERGENCY IN STAFFORD COUNTY

WHEREAS, a severe weather event, which occurred in Stafford County on February 16 and 17, 2015, caused substantial snow accumulation; and

WHEREAS, the County was faced with precipitation that created hazardous road conditions of sufficient severity and magnitude to warrant coordinated local government actions to prevent or alleviate the damage, loss, hardship, or suffering caused by the weather event; and

WHEREAS, the Declaration of a Local Emergency was declared by the County Administrator on Monday, February 16, 2015 at 7:00 p.m.; and

WHEREAS, this Declaration of a Local Emergency is subject to confirmation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that a Declaration of a Local Emergency be and it hereby is ratified, as commencing on February 16, 2015 at 7:00 p.m., throughout Stafford County; and

BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions, and duties of the County Administrator (as the Director of Emergency Services in Stafford County) were those prescribed in Virginia Code § 44-146.21, as well as the ordinances, resolutions, and approved plans of Stafford County, in order to mitigate the effects of said emergency.

Mr. Thomas motioned, seconded by Ms. Sellers to adopt Resolution R15-81.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R15-81 reads as follows:

A RESOLUTION TO TERMINATE THE DECLARATION OF A LOCAL
EMERGENCY IN STAFFORD COUNTY DUE TO SEVERE WINTER
WEATHER

WHEREAS, on Monday, February 16, 2015, at 7:00 p.m., the County Administrator declared a local emergency in Stafford County due to severe winter weather; and

WHEREAS, at this time it is the desire of the Board to terminate the Declaration of a Local Emergency so that the County may return to normal operational procedures; and

WHEREAS, the Board, in its judgment, determines that all emergency actions have been taken;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2014, that the Declaration of a Local Emergency be and it hereby is terminated as of 7:00 a.m., Tuesday, February 17, 2015; and

BE IT FURTHER RESOLVED that the County will continue to provide mitigation and recovery efforts and support as the need arises.

Stafford Regional Airport Mr. Sterling said that proposed Resolution R15-41 asked the Board to take a position against further expansion of the Stafford Regional Airport. Mr. Thomas said that there was no good reason to stop expansion at the Airport, and that any proposed expansion would be subject to a public hearing, giving citizens an opportunity to voice their concerns and opinions.

Ms. Sellers asked if Mr. Sterling would consider a friendly amendment that removed expansion of the runway. Mr. Sterling said that he would accept that so long as it eliminated the northern flight pattern. He said that the risks to County residents far outweighed any benefit of the northern flight pattern and/or expansion at the Airport. Mr. Sterling said that he was not concerned with pilots, many of whom were not even County residents, and any inconvenience it would be for them to stop somewhere cross-county to refuel. Dangers to the County and its residents should not be compromised. He repeated that he would, however, set aside his concerns about expansion if the northern runway was removed from consideration.

Ms. Bohmke asked Mr. Zuraf to highlight areas on the map including Stafford High School and other developments located in the conical area. She said she met with members of the Airport Authority and discussed safety concerns about the northern runway. Ms. Bohmke said that perhaps the Airport should be shut down; that Mr. Sterling said that it was built in the wrong area of the County, and perhaps it should be relocated to an area safer for the County and its residents. She then pointed out that

hangar spaces were full, airplane taxes were eliminated, and said that she was in favor of the proposed expansion.

Ms. Sellers said that in reality, the Board had no control over expansion at the Airport. Rather, it was merely taking a political stand and was being proactive in recognizing potential risks. She said that she believed in putting residents' safety first.

Mr. Sterling said that the Airport was not the economic engine it portrayed itself to be. It was an anchor that was costing the County money. If it was an economic engine, there would be multiple businesses surrounding Airport property, as opposed to the one building located there. He said that the Airport was operated as a "flying club," and the Board should look at why it was built there in the first place, and should it be moved. Mr. Sterling asked for a list of the names of actual people reported to be part of the 112 jobs brought to the County by the Airport. He said that he wanted to take a stand against expansion and putting additional County money into the Airport with no return.

Mr. Thomas said that he agreed to a deferral at the Board's last meeting, to permit time to have aviation experts available. He said that no one knew the real numbers on the Airport, its benefit (or negative impact) to the County. Ms. Bohmke agreed that she consented to the deferral to have experts at the Board meeting. Mr. Sterling said that he had no recollection of any such discussion. He said that he was not interested in a study without facts to back up the findings, and asked again for names of the 112 individuals working at the Airport. Mr. Sterling said that he opposed the northern corridor and asked for consensus of the Board. County Attorney, Mr. Charles Shumate, said that asking for consensus was not customary; that if Ms. Sellers' friendly amendment was in the form of a substitute motion, it should be voted on prior to Mr. Sterling's motion for approval of proposed Resolution R15-41. Ms. Sellers restated her friendly amendment to which Mr. Sterling agreed.

Mr. Sterling motioned, seconded by Ms. Sellers, to adopt Resolution R15-41, with a friendly amendment the removed Airport expansion from the proposed Resolution and added elimination of the northern flight pattern.

The Voting Board tally was:

Yea: (2) Sellers, Sterling
Nay: (5) Bohmke, Cavalier, Milde, Snellings, Thomas

Mr. Sterling restated his original motion, seconded by Ms. Sellers, to adopt proposed Resolution R15-41.

The Voting Board tally was:

Yea: (3) Sellers, Sterling, Thomas

Nay: (4) Bohmke, Cavalier, Milde, Snellings

Ms. Bohmke asked about a time frame, if Mr. Snellings' proposed Resolution passed. Mr. Snellings said that he understood that it would be 6 to 9 months until Airport expansion began. Mr. Romanello said it would be sent down to the Planning Commission for 60 days. Then the Board would have 90 days, for a total of five months. Mr. Cavalier said that it contradicted what he heard following a conversation with the Feds, and their intent to utilize the Airport. He added that the Airport Authority should concentrate on Airport operations and not the Land Use Compatibility Study, which was the responsibility of the Planning and Zoning Department.

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-64.

The Voting Board tally was:

Yea: (3) Sellers, Snellings, Sterling

Nay: (4) Bohmke, Cavalier, Milde, Thomas

Legislative; Closed Meeting. At 4:41 p.m., Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM15-04.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution CM15-04 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the County, and

WHEREAS, pursuant to Virginia Code §§ 2.2-3711(A)(5) such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 24th day of February, 2015, does hereby authorize discussion of the above matter in Closed Meeting.

Call to Order At 5:05 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM15-04(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM15-04(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
FEBRUARY 24, 2015

WHEREAS, the Board has, on this the 24th day of February, 2015, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 24th day of February, 2015, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

At 5:06 p.m., the Chairman declared the meeting adjourned until 7:00 p.m.

Call to Order At 7:00 p.m., the Chairman called the evening session to order.

Invocation Mr. Milde gave the invocation.

Pledge of Allegiance Mr. Cavalier led the recitation of the Pledge of Allegiance.

Presentations by the Public – II

Kevin Haimovici – President Austin Ridge HOA – in favor of Austin Ridge Commercial rezoning.

Paul Waldowski – “Where’s Waldo?” Airport flying club/interest free no-term loan to Airport; 2% growth rate; \$1.6M SAFER Grant (2010 fiasco); Rock Hill VFD; Transportation Growth Areas (TGA); HB 860 (2013).

David Starr – Courthouse Manor

Planning and Zoning: Consider Reclassification of 36 Acres from B-2 to R-1 for the Reserve at Woodstock Lane Mr Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The proposed development offered 23 of the 35 acres as wooded or open-space, with fencing and evergreen trees planted as a buffer along Woodstock Lane. There would be one entrance point to the neighborhood, which after review by VDOT, was agreed upon although VDOT typically preferred more than one entrance. There were traffic concerns due to the LOS F rating at the Woodstock Lane and Route 1 intersection, and stacking on Woodstock Lane by vehicles turning southbound onto Route 1; through lanes and eventual signalization of the intersection was being considered. Proffers included Station 9, updating Carl Lewis Park, \$10,000 to improve the Brent Cemetery with culverts and fencing, at least 1 tree planted in each backyard, and capping an existing well within 180 days of approval.

Ms. Sellers talked about current zoning and that urban commercial would result in much higher traffic counts than the planned rezoning. Mr. Harvey agreed that traffic counts would be significantly higher. Ms. Sellers noted that Schools were concerned about bus traffic on Woodstock Lane and Route 1.

Mr. Charlie Payne, for the applicant, addressed the Board thanking staff for its hard work and diligence in processing his client's application. He reviewed the numbers and statistics that Mr. Harvey gave to the Board in his earlier presentation.

The Chairman opened the public hearing.

The following persons desired to speak:

William Eaman

Paul Waldowski

Jen Coolidge

The Chairman closed the public hearing.

In the applicant's rebuttal, Mr. Payne noted that it was a down-zoning, which lessened the traffic impact and that open space areas would be preserved. Mr. Cavalier said that traffic generation numbers for a shopping center were substantially higher than a 40-lot subdivision; that he worked with Mr. Payne and there were several worthwhile projects including work on the Cemetery and Carl Lewis Park, proffers dedicated to Station 9, Aquia Harbour Rescue Squad building for a training and bunk room as well as an engine bay.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt Ordinance O15-14.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling

Nay: (1) Thomas

Ordinance O15-14 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE B-2, URBAN COMMERCIAL ZONING DISTRICT, TO THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ASSESSOR'S PARCELS 21-167 (PORTION) AND 21-170 (PORTION), WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Carl Bernstein, applicant, submitted Application RC1400159 requesting a reclassification from the B-2, Urban Commercial Zoning District, to the R-1, Suburban Residential Zoning District, on Assessor's Parcels 21-167 (portion) and 21-170 (portion), located within the Griffis-Widewater Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the B-2, Urban Commercial Zoning District, to the R-1, Suburban Residential Zoning District, Assessor's Parcels 21-167 (portion) and 21-170 (portion), in the location identified on the Rezoning Plat, prepared by Land Design Consultants, Inc., dated June 26, 2014, with proffers entitled "Voluntary Proffer Statement," dated January 30, 2015.

Mr. Snellings announced that the public hearing regarding a farming lease at Duff McDuff Green Park was being moved ahead of the public hearing for Transfer of Development Rights.

Parks, Recreation and Community Facilities; Consider a Farming Lease on 68 Acres at Duff McDuff Green Park Ms. Jamie Porter, Director of Parks, Recreation and Community Facilities, gave a presentation and answered Board members questions.

Mr. Thomas made the following statement: "After consulting with the County Attorney, I am voluntarily abstaining from any discussion or vote on the farm field lease on Duff McDuff Green Memorial Park, this evening and in the future, because I have a direct relationship with the bidders and/or their direct business associates."

Mr. Sterling asked how much money was spent on preparation and advertisement of the Request for Information (RFI), and said that whatever the amount was it seemed like a lot of trouble and money for land that was currently being farmed by Mr. McDuff's choice of farmers.

Ms. Bohmke asked about the differential between the two proposals related to annual nutrient management plans approved by Tri City-Conty Soil and Water Conservation District. Ms. Porter said that Blysdale Farms reported that they stayed within recommended pH levels. Ms. Bohmke asked what that meant for the County. Ms. Porter said that it meant that they adhered to stated guidelines.

The Chairman opened the public hearing.

The following persons desired to speak:

Lindy Henderson

John Gray

Mike Berry

Jessica Hildebrand

Gerald Young

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling said there were two individuals with history in the County and intent to farm the property donated by Mr. McDuff until the County chooses to turn it into park land. He said that the Board was not in a position to make a decision or to go against Mr. McDuff's wishes when he entrusted the land to the original farmer, Charles Henderson.

Mr. Sterling motioned, seconded by Ms. Sellers, to lease the land to the current individual, thus following and respecting the intent of the donor. Mr. Milde questioned how anyone could know the intent of the donor.

Ms. Porter said that it was beneficial to keep farming the land until it was ready for park use. Mr. Romanello said that the deed required that it be used, eventually, as park land. Mr. Milde said that it was a hard call, that both farmers were deserving of the lease, and it was impossible to know the intent of Mr. McDuff. He said that he received a lot of calls and he wished to honor staff's recommendation.

Mr. Snellings said that there were two farmers; that farm land in the County was scarce and it was a big deal for both Mr. Henderson and Mr. Young. He suggested that Musselman Park used to be a working farm and asked about the amount of acreage there. Mr. Snellings offered the option that one got the McDuff lease and the other got a farming lease at Musselman Park, adding that he believed that could be a perfect solution.

Mr. Milde asked if a RFI was necessary. Deputy County Attorney, Ms. Rysheda McClendon replied that a RFI was not required. Mr. Milde said that two applied, and that it cost both parties money to put together their response. He said that he felt that “the other guy” never had a chance, and suggested reimbursing Mr. Young for his out-of-pocket expenses, if the lease was given to Mr. Henderson. Mr. Sterling said that he did not agree, that responding to a request for information (or proposal) was part of doing business and respondents that were not chosen were never reimbursed for time and expenses. He said that he liked Mr. Snellings’ idea and added that he did not know Mr. McDuff’s original intent (or will) but absent a noticeable reason, there was no reason to change. Mr. Milde asked if there was time to bring info on the other land back to the Board. Mr. Snellings said that he was not a farmer but believed timing depended on the crop, the weather, etc. Ms. Bohmke said that the McDuff land was attractive as it was just down the street from the Young’s, whereas the Musselman tract was quite a distance away.

Mr. Sterling motioned, seconded by Ms. Sellers, to deny staff’s recommendation and return the lease to the original farmer, Mr. Charles Henderson.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Sellers, Snellings, Sterling
 Nay: (1) Milde
 Abstain: (1) Thomas

Mr. Sterling motioned, seconded by Ms. Sellers, to authorize a lease on 68 acres of farm land at Duff McDuff Green Park to Mr. Charles Henderson.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Sellers, Snellings, Sterling
 Nay: (1) Milde
 Abstain: (1) Thomas

Planning and Zoning; Consider Comprehensive Plan Amendments Regarding Transfer of Development Rights (TDR) and Consider Amendments to the TDR Ordinance Mr. Snellings announced that both the Comprehensive Plan amendment and the two proposed ordinances would be heard together. Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board member’s questions.

Ms. Sellers asked if architectural standards were based on zoning. Ms. Baker said that they were included in the Neighborhood Development Plan (NDP), which talked about development features within the Courthouse Redevelopment Area (RDA), and were compatible with the NDP in the receiving areas. Ms. Sellers asked if there were architectural standards in Crow’s Nest Harbour. Ms. Baker said there were not. Mr.

Milde said that existing design standards were passed by the General Assembly at the Board's request.

Mr. Milde asked about proffers. Ms. Baker said there were no proffers with by-right development. Therefore, there were no proffers in Crow's Nest Harbour, and no requirements to have proffers in receiving areas.

Ms. Baker said that proposed Ordinance O15-05 was the Board's version of a TDR ordinance; proposed Ordinance O15-06 was the Planning Commission's version of a TDR ordinance. She said they could be considered separately or elements from both could be combined into a new Ordinance. Both proposed Ordinances reduced dwelling units, in A-1, from 5 to 2.25 dwelling units. She pointed out additional differences between the Board and the Planning Commission's versions of the proposed ordinance.

Ms. Sellers said that timbering was considered an agricultural use. Ms. Baker said that the County would look at total acreage to determine easements or covenants, and that a third-party holder of the easement could be appointed to oversee maintenance and management of the area.

Mr. Milde asked about hydric soils and steep slopes. Ms. Baker said that the map included in the Power Point presentation provided a bird's-eye view but no actual survey work was done prior to the evening's presentation.

Ms. Baker said that in the Board's last TDR discussion, Mr. Sterling asked if Parks was considered a residual use. She said it was an oversight and that Parks language was inserted. She reminded the Board of the March 10, 2015 deadline and asked for a 60-day adoption policy to allow time for staff to complete its work.

Ms. Sellers asked, if a TDR Ordinance were to pass, along with the Comprehensive Plan amendments, and if the Board changed its mind in a year (or whenever), could it be rescinded. Ms. McClendon said that it could be repealed through another vote/action by the Board.

Ms. Bohmke asked if Planning and Zoning had staff available to do the monitoring that a TDR program would require. Mr. Harvey said that processing the applications, issuing certificates for development rights, etc. were considered and would be worked in-house. Assigning easements to a third party would require that the appointed third party be responsible for management of the land, not County staff.

The Chairman opened the public hearing.

The following persons desired to speak:

Cecelia Kirkman

Clark Leming

Patrick Cody	Conrad Meehan
Linda Mueller	Douglas Brown
Patricia Kurpiel	Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O15-06.

Mr. Milde said that the Northern Virginia Conservation Trust was in favor and that if proposed Ordinance O15-16 passed, it continued conversations about TDR. He said that a further look was necessary at hydric soils and steep slopes. Mr. Milde asked how long the Board worked on a TDR ordinance. Ms. Baker said she thought it was approximately four years. Mr. Milde said that he believed it went back to 2006 when he first came on the Board. He said that TDR was not just about Crow's Nest Harbour, that all open space in the County could not be saved but it was a good first step. Mr. Milde noted that another option would be for residents to donate property to the County. Mr. Shumate confirmed that the County could opt to accept or decline a donation of property depending on the needs of the County. Mr. Milde said that the County could not afford to purchase all the lots in Crow's Nest Harbour but donations were a viable option.

Mr. Milde asked for clarification that 2.25 acres was inherent in proposed Ordinance O15-06. Mr. Harvey said that that provision was contained in both proposed Ordinances.

Mr. Thomas said that when he came on the Board three and one-half years ago, TDR was in full swing and he served on the TDR Committee. He said there was beautiful farm land in the George Washington District but that Purchase of development Rights was an expensive, yet worthwhile program, which used roll-back taxes for funding. He said that Crow's Nest Harbour was almost taken out of the program, and that he supported TDR County-wide. Mr. Thomas said he believed that the County could not say that the land could not be logged. Ms. Sellers said that TDR was a headache; that she agreed with Mr. Thomas, and supported TDR as a good program but it was a partisan, political, nasty issue.

Ms. Sellers motioned to defer a vote on TDR until the Board's March 3, 2015 meeting. The motion died for lack of a second.

Ms. McClendon confirmed that logging could be removed from the TDR Ordinance.

Ms. Bohmke said that like Ms. Sellers, she was on a high learning curve about TDR. She talked about Schools redistricting and the higher student generation rates possible in the receiving areas near the Courthouse RDA. She said that she could not support the changes to the Comprehensive Plan because there were no proffers, and not enough consideration given to transportation in receiving areas. Ms. Bohmke said that the public

deserved to know the names of the property owners in Crow's Nest Harbour and who the 7K investors were.

Mr. Sterling said regarding the Parks issue, proposed Ordinance O15-06 did allow Parks as a residual use. Ms. Baker said that as it was written, Parks language would have to be included as it was not currently a part of the language in proposed Ordinance O15-06.

Mr. Sterling made a friendly amendment to Mr. Milde's motion that Parks language be included.

Mr. Thomas made a friendly amendment to Mr. Milde's motion to restrict logging.

Mr. Milde accepted both friendly amendments to his original motion.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Sellers, Sterling, Thomas

Nay: (1) Snellings

Ordinance O15-06 (with friendly amendment language included) reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS" AND TABLE 3.1(A), "STANDARDS FOR TRANSFER OF DEVELOPMENT RIGHTS (TDR);" SEC. 28-355, "APPLICABILITY;" SEC. 28-356, "RIGHT TO TRANSFER DEVELOPMENT RIGHTS; GENERAL PROVISIONS;" SEC. 28-357, "SENDING PROPERTIES;" SEC. 28-358, "RECEIVING PROPERTIES;" AND SEC. 28-360, "TRANSFER OF DEVELOPMENT RIGHTS SENDING PROPERTY DEVELOPMENT LIMITATIONS"

WHEREAS, Virginia Code §§ 15.2-2316.1 and 15.2-2316.2 authorize the Board to adopt a Transfer of Development Rights (TDR) Ordinance and establish a TDR program; and

WHEREAS, at its meeting on February 18, 2013, the Board adopted Ordinance O13-21, which established administrative procedures for a TDR program; and

WHEREAS, the Board desires to amend the County Code to modify the TDR program provisions; and

WHEREAS, the Planning Commission conducted a public hearing on this Ordinance and provided its recommendations to the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of February, 2015, that Stafford County Code Sec. 28-35, Table 3.1, “District Uses and Standards,” and Table 3.1(a), “Standards for Transfer of Development Rights (TDR);” Sec. 28-355, “Applicability;” Sec. 28-356, “Right to transfer development rights; general provisions;” Sec. 28-357, “Sending properties;” Sec. 28-358, “Receiving properties;” and Sec. 28-360, “Transfer of development rights sending property development limitations,” be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-35. – Table of uses and standards.

Table 3.1, District Uses and Standards, sets forth the uses and standards for each zoning district in Stafford County. No land or structure shall be used, occupied or developed except in accordance with the standards set forth therein.

Table 3.1. District Uses and Standards

B-3 Office.

(c) *Requirements:*

(1)	<i>Intensity:</i>	<i>Ratio</i>
	Maximum floor area ratio.....	0.65
	<u>Maximum floor area ratio with TDR.....</u>	<u>1.3</u>
	<u>Minimum open space ratio.....</u>	<u>0.30</u>
	<u>Minimum open space ratio with TDR.....</u>	<u>0.15</u>

Table 3.1(a) Standards for Transfer of Development Rights (~~TDRs~~) (TDR), sets forth the uses and standards for all development utilizing (~~TDRs~~) TDR for each zoning district in Stafford County that is permitted by article XX to serve as a receiving area.

No land or structure shall be used, occupied, or developed except in accordance with the standards set forth therein.

Table 3.1(a) Standards for Transfer of Development Rights (~~TDR's~~)(TDR)

A-1 Agricultural.

(d) *Requirements:*

(1)	<i>Intensity:</i>
	Maximum Density.... 5-0 <u>2.25</u> du/gross acre

B-3 Office.

(a)	<u><i>Uses permitted by right:</i></u>
	<u>Apartment, commercial.</u>

- Bank and lending institution.
Clinic, medical and dental.
Dwelling, multifamily.
Farmers market (in accordance with subsection 38-39(v)).
Flex office.
General office use.
Low intensity commercial retail.
Medical/dental office.
Professional office.
Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities, which are permitted with a conditional use permit and not including propane and heating fuel distribution facilities.
Public works excluding wastewater treatment facilities.
Restaurant without drive-through.
School.
School, vocational.
- (b) Conditional use permit:
Child care center.
Hospital.
Hotel/motel.
Laboratory research and testing facility.
Printing, publishing, engraving.
Public facilities/utilities for generating facilities, substations, switching stations, and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).
- (c) Requirements:
- (1) Intensity: Ratio
Maximum floor area ratio.....1.3
Minimum open space ratio.....0.15
Maximum tract coverage for multifamily.....50%
 - (2) Minimum yards: Feet
Front.....25
Side.....10
Back.....20
 - (3) Maximum building height (in feet).....90
 - (4) Minimum gross tract area with TDRs 10 acres

Article XX. – Transfer of Development Rights

Sec. 28-355. - Applicability.

This article shall apply to the transfer of development rights from land in sending areas to land in receiving areas and/or to a transferee without relation to any particular property. Land utilizing transferred development rights may be subdivided or developed in receiving areas at the maximum density specified by County Code section 28-35, Table 3.1 and Table 3.1(a), above the base density for the applicable zoning district.

Sec. 28-356. - Right to transfer development rights; general provisions.

- (a) A development right shall only be transferred by means of the recordation of a TDR certificate and a covenant to which the county is a party, or a permanent conservation easement granted to a “qualified holder” as that term is defined in Virginia Code section 10.1-1009 that restricts further development of the sending property and joins all lien holders, who must execute any necessary releases in order for the transfer of development rights to take place.
 - (1) The covenant or permanent conservation easement shall limit the future construction of residential dwelling units on a sending property to the total number of development rights established by the zoning ordinance provisions applicable to the property, minus: (i) all development rights severed and extinguished from the sending property by the TDR certificate and thereby transferred under this article; (ii) any development rights previously severed and extinguished or limited as a result of an earlier recorded covenant or conservation easement against the property; and (iii) the number of existing single-family detached dwelling units located on the sending property, if any, as of the date the TDR certificate has been issued and recorded by the director.
 - (2) The county attorney shall review and approve any such covenants and permanent conservation easements, and related document(s) for form and legal sufficiency.
- (d) No development rights may be transferred from a sending property if those rights are materially restricted from development by covenant, easement, and/or deed restriction; provided, however, that for any sending property located within an area designated as Park on the Land Use Map in the comprehensive plan, no such restriction will be deemed to exist if it arose out of a subdivision approval or note on a subdivision plat requiring the provision of public water and sewer to the subdivision.
- (f) No transfer of development rights will be effective until the director has recorded the TDR certificate and its related covenant or permanent conservation easement in the land records of Stafford County, Virginia.

Sec. 28-357. - Sending properties.

- (b) In order for a property in a sending area to qualify as a sending property eligible for a transfer of development rights, such property shall be:
 - (1) Designated for agricultural, rural, or park land use(s), in the comprehensive plan;
 - (2) Located in areas designated as sending areas on the map entitled “Transfer of Development Rights Sending and Receiving Areas” in the comprehensive plan; and

- (3) ~~Zoned A-1 (agricultural) or A-2 (rural residential); and either:~~
- ~~a. A separate parcel in existence on the effective date of this article XX (Transfer of Development Rights) that is at least twenty (20) acres; or~~
 - ~~b. Contiguous parcels in existence and under common ownership on the effective date of this article XX (Transfer of Development Rights) comprising at least twenty (20) acres that are under the same ownership on the date of the application; or~~
 - ~~c. Contiguous parcels that:~~
 - ~~1. Comprise at least twenty (20) acres; and~~
 - ~~2. Exist and are under common ownership on the effective date of this article XX (Transfer of Development Rights); and~~
 - ~~3. Are under common ownership on the date of the application; provided that the owner(s) on the effective date of this article XX (Transfer of Development Rights) are not required to be the same as the owner(s) on the date of the application. (For example, if one party (owner A) owns contiguous parcels comprising at least twenty (20) acres on the effective date of this article XX (Transfer of Development Rights), owner A can sell those parcels to a second party (owner B), who may then file a TDR application for those parcels.)~~

- (3) Zoned A-1, agricultural, or A-2, rural residential, and meet one of the following criteria:
- (i) A separate parcel in existence on the effective date of Ordinance O15-06, that is at least 20 acres;
 - (ii) Contiguous parcels in existence on the effective date of Ordinance O15-06, comprising at least 20 acres that are under the same ownership on the date of the application; or
 - (iii) A separate parcel in existence on the effective date of Ordinance O15-06 that is at least two acres and designated as Park on the Land Use Map in the comprehensive plan.

Sec. 28-358. - Receiving properties.

- (a) In order for a property in a receiving area to qualify as a receiving property eligible for a transfer of development rights to said property, such property shall be:
- (1) Located in one of the following zoning districts: A-1, agricultural; R-1, suburban residential; PD-1, planned development-1; PD-2, planned development-2; PTND—planned traditional neighborhood development; ~~or~~ UD, urban development; or B-3, office;
 - (2) Located in areas designated as receiving areas on the map entitled, “Transfer of Development Rights Sending and Receiving Areas,” in the comprehensive plan;

- (3) Located within the ~~U.S.A.~~ Urban Services Area (USA) by the comprehensive plan;
 - (4) Designated as part of a ~~UDA~~ Redevelopment Area (RDA) by the comprehensive plan; and
 - (5) Included in an assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area.
- (c) A receiving property may accept development rights from one or more sending properties, but the density allowed on the receiving property may not exceed the maximum applicable density specified in County Code Section 28-35, Table 3.1 and Table 3.1(a).
- (g) Architectural treatment shall be designed so that all building facades of the same building (whether front, side, or rear) will consist of similar architectural treatment in terms of materials, quality, appearance, and detail pursuant to the Neighborhood Development Standards Plan element of the comprehensive plan.

Sec. 28-360. - Transfer of development rights sending property development limitations.

- (c) The limitations in this section shall, when development rights are severed from a sending property, be included in a covenant or permanent conservation easement applicable to the sending property which shall be recorded in the land records of Stafford County, Virginia. The county attorney shall review and approve the covenant or permanent conservation easement as to form and legal sufficiency. A plat shall accompany and be recorded with the deed delineating and describing the location of the portion of the property to be conserved.
- (d) Unless otherwise specified in this article XX, or unless expressly provided in the related covenant or permanent conservation easement, the severance of development rights from a sending property shall not deprive the owner of such sending property of the right to use that portion of the property from which development rights have been severed for any: (i) agricultural uses; and (ii) forestal uses with reforestation plans; provided that such uses were permitted by right on the sending property prior to the transfer of such development rights. Any buildings or structures that exist on a sending property at the time development rights are severed shall be allowed to remain to support any such existing agricultural and forestal uses. New buildings and structures comprising up to a cumulative total of six thousand (6,000) square feet shall be allowed to be constructed on a sending property to support any such existing agricultural and forestal uses. Any building constructed as a lawful nonconforming use under the provisions of this article XX shall not count against the allowance of up to six thousand (6,000) cumulative square feet for new buildings on any such sending property.

- (e) Unless otherwise specified in this article XX, or unless expressly provided in the related covenant or permanent conservation easement, the severance of development rights from a sending property shall not deprive the owner of such sending property of the right to use that portion of the property from which development rights have been severed for parks, campgrounds and related camping facilities, provided that such uses were permitted by right on the sending property prior to the transfer of such development rights. Any buildings or structures that exist on a sending property at the time development rights are severed shall be allowed to remain to support any such existing park, campground, and related camping facilities.

New buildings and structures comprising up to a cumulative total of 2,000 square feet shall be allowed to be constructed on a sending property to support any such existing park, campground, and related camping facilities. No new buildings and structures shall be allowed on sending properties less than 20 acres in size. Any building constructed as a lawful nonconforming use under the provisions of this article XX shall not count against the allowance of up to 2,000 cumulative square feet for new buildings on any such sending property. For purposes of this section, the term “campgrounds” does not include any use by travel trailers, motor homes, and similar vehicular type structures.

- (f) For sending properties designated as Park on the Land Use Map in the comprehensive plan, the severance of development rights shall not deprive the owner of the use of that property from which development rights were severed for Park purposes or agricultural purposes, providing that agricultural uses were permitted by-right on the sending property prior to the transfer of such development rights. Agricultural uses shall be conducted pursuant to applicable Best Management Practices, and only on parcels 20 acres or more in size, or groups of parcels 20 acres or more in size and under common ownership. For the purpose of this section, agricultural uses shall not include forestry. No other residual uses, buildings or structures shall be permitted on that portion of the property from which the development rights were severed, except non-commercial campgrounds. For the purpose of this section, the term “non-commercial campgrounds” shall not include any use by travel trailers, motor homes, and similar vehicular type structures.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective 60 days from the date of adoption.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R15-23.

The Voting Board tally was:

Yea: (4) Cavalier, Milde, Sellers, Thomas
Nay: (3) Bohmke, Snellings, Sterling

Resolution R15-23 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN PURSUANT TO VIRGINIA CODE § 15.2-2229, BY ADOPTING THE PROPOSED AMENDMENTS TO CHAPTER 3 AND THE “NEIGHBORHOOD DEVELOPMENT STANDARDS PLAN” OF THE TEXTUAL DOCUMENT ENTITLED “STAFFORD COUNTY, VIRGINIA COMPREHENSIVE PLAN, 2010-2030,” DATED JANUARY 17, 2012

WHEREAS, Virginia Code § 15.2-2229 authorizes the Board to amend the Comprehensive Plan (Plan); and

WHEREAS, pursuant to Virginia Code §§ 15.2-2229 and 15.2-2230, the Planning Commission may prepare and recommend amendments to the Plan; and

WHEREAS, the proposed Plan amendments amend Chapter 3 of the Plan to incorporate text regarding the Transfer of Development Rights (TDR) program, including, but not limited to, the purpose of a TDR program, eligibility criteria for sending and receiving properties, delineation of sending and receiving areas, determining the use of transferred development rights, and adoption of a new map entitled, “Figure 3.8, Transfer of Development Rights Sending and Receiving Areas;” and

WHEREAS, the proposed Plan amendments would amend the Neighborhood Development Standards Plan to require development utilizing transferred development rights within designated receiving areas to be in compliance with the Architectural Design Guidelines; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed Plan amendments and provided its recommendations to the Board on such proposed Plan amendments; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the adoption of the proposed Plan amendments will guide and accomplish a coordinated, adjusted, and harmonious development in Stafford County, Virginia, which will, in accordance with the present and probable future needs and resources of the County, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the County; and

WHEREAS, the Board finds that the proposed Plan amendments are consistent with good planning practices; and

WHEREAS, the Board finds that the proposed Plan amendments should be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of February, 2015, that it be and it hereby does adopt the proposed amendments to Chapter 3 and the Neighborhood Development Standards Plan of the textual document entitled, “Stafford County, Virginia Comprehensive Plan, 2010-2030,” dated January 17, 2012.

Adjournment At 9:37 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Gary F. Snellings
Chairman